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KERALA GAZETTE

EXTRAORDINARY

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GOVERNMENT OF KERALA

Industries (E) Department

NOTIFICATION

No. 28545/E2/74/ID. *Dated, Trivandrum, 4th November 1974.*

THE KERALA COCONUT HUSKS AND COIR FIBRE (EXPORT CONTROL) ORDER, 1974.

S. R. O. No. 817/74—WHEREAS the Government of Kerala are of opinion that it is necessary and expedient so to do for maintaining the supply of coconut husks and coir fibre and for securing their availability within the State at fair prices;

NOW, therefore, in exercise of the powers conferred by sub-rules (2) and (3) of rule 114 of the Defence of India Rules, 1971, the Government of Kerala hereby make the following Order, namely:—

ORDER

1. *Short title, extent and commencement.*—(1) This Order may be called the Kerala Coconut Husks and Coir Fibre (Export Control) Order, 1974.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force atonce.

2. *Definitions.*—In this Order, unless the context otherwise requires,—

(a) "fibre" means coir fibre extracted from coconut husk;

(b) "Form" means a Form appended to this Order;

(c) "husk" means coconut husk, raw or retted;

(d) "export" means to take or cause to be taken out of any place within the State of Kerala to any place outside the State;

(e) "Licensing Officer" means the Collector of a District or any other officer authorised by the State Government to perform the functions of a Licensing Officer under this Order;

(f) "State Government" means the State Government of Kerala.

3. *Restriction on export of husk and fibre.*—No person shall export or attempt to export or abet the export of husk and fibre except under and in accordance with a permit issued in that behalf by the Licensing Officer:

Provided that nothing contained in this clause shall apply to the export of fibre—

(a) not exceeding five kilograms in weight in the aggregate; or

(b) on Government account.

4. *Permit for export.*—An application for the grant of permit for export of husk or fibre shall be in Form I and such application shall be affixed with a court-fee stamp of Rs. 2. The permit for the export of husk or fibre shall be in Form II.

5. *Power to refuse permit.*—The Licensing Officer may, after giving the applicant for the permit an opportunity of stating his case and for reasons to be recorded in writing refuse to issue a permit:

Provided that no application for permit shall be rejected if it is shown to the satisfaction of the Licensing Officer that the export of husk or fibre is necessary for the purpose of performing an export contract for the supply of husk or fibre, entered into before the commencement of this Order.

6. *Cancellation of permit.*—When the Licensing Officer is satisfied that an applicant for a permit under this Order has furnished incorrect information or that he has after obtaining the permit contravened the provisions of this Order or the terms and conditions of the permit or for any other cause to be recorded in writing, the Licensing Officer may, without prejudice to any other action, by order cancel the permit:

Provided that before cancelling a permit, the holder thereof shall be given a reasonable opportunity of showing cause against such cancellation:

Provided further that copy of the order together with the reasons for the cancellation of such permit shall be communicated to the holder thereof.

7. *Appeal.*—(1) Any person aggrieved by any order of the Licensing Officer under the provisions of this Order may appeal in writing to the State Government within thirty days from the date of receipt by him of the copy of the order:

Provided that the State Government may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period.

(2) On receipt of an appeal under sub-clause (1) the State Government shall, after giving the applicant an opportunity of being heard and after such further inquiry, as may be necessary, pass such orders on the appeal as it thinks fit.

8. *Powers of entry, inspection and seizure.*—(1) The Licensing Officer or any officer not below the rank of a Revenue Inspector of the Revenue Department authorised by him in this behalf or any police officer not blow the rank of a Sub-Inspector, may with a view to securing compliance with the provisions of this order:—

(a) inspect any books of accounts or other documents maintained in the course of business or any stock of husk and fibre in the possession or under the control of any person;

(b) seize any such books of account or other documents which in his opinion would be useful for or relevant to any proceedings under this Order;

(c) stop and search any person, animal, vessel or vehicle or any other conveyance or receptacle engaged or used or intended to be engaged or used for the export of husk or fibre;

(d) seize any husk or fibre in respect of which he has reason to believe that a contravention of this Order has been, is being or is about to be committed and thereafter take or authorise the taking of all measures necessary for securing the production of stocks so seized in a court or for their safe custody, pending such production.

(2) The provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) relating to searches and seizures shall, so far as may be, apply to searches and seizures under this clause.

By order of the Governor,

K. NARAYANAN,

Special Secretary to Government.

FORM I

THE KERALA COCONUT HUSKS AND COIR FIBRE (EXPORT CONTROL) ORDER, 1974

(*See* clause 4)

Form of Application for Export of Husk/Fibre

1. Name and address of the applicant:
2. Quantity to be exported:
3. Place from which to be exported:
4. Name and address of the consignee:
5. Route and mode of transportation:
6. Time required for completing export:
7. Purpose for which the husk/fibre is exported:

DECLARATION

I,..................do hereby declare that to the best of my knowledge and belief that the above information is correct and complete and that I am aware of the conditions subject to which a permit is granted and I agree to abide by them. I declare that I have/*I have not previously applied for the permit and that a permit was refused/*granted to me on..................

Place: | *Signature of the applicant.*

Date:

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*strike out whichever is inapplicable.

FORM II

THE KERALA COCONUT HUSKS AND COIR FIBRE (EXPORT CONTROL) ORDER, 1974

(*See* rule 4)

Permit for the Export of Husk/Fibre

Permit No.......................... *Dated*...........

1. Name and address of the person to whom permit is granted:
2. Quantity permitted to be exported:
3. Place from which to be exported:
4. Name and address of the consignee:
5. Route and mode of transportation:
6. Date upto which permit is valid:
7. Purpose for which the husk/fibre is exported:

CONDITIONS

(a) The permit is not transferable.

(b) The permit is liable to be cancelled if it is found that it was granted due to a mistake of fact or on account of any misrepresentation or fraud or for any reason mentioned in clause 6 of the Kerala Coconut Husks and Coir Fibre (Export Control) Order, 1974 and the holder shall surrender the permit to the undersigned when it is cancelled.

(c) The permit must be returned at once to the undersigned if the purpose for which it has been issued ceases to exist.

(d) The permit holder shall allow the permit and the husk/fibre exported under cover of permit to be verified and inspected by any officer authorised in this behalf.

Signature of the authority granting the permit.

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